

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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BRIAN FORD,

Plaintiff,

-against-

THE NEW YORK CITY BOARD OF  
EDUCATION (a/k/a the Department of Education)  
Carmen Farina in her official capacity as  
Chancellor,

**NOTICE OF DEFENDANTS'  
MOTION TO DISMISS THE  
FOURTH AMENDED  
COMPLAINT**

No. 19 Civ. 6327 (JPC)(KHP)

Defendants.

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**PLEASE TAKE NOTICE** that upon the Memorandum of Law in Support of Defendant's Motion to Dismiss the Fourth Amended Complaint, and the October 28, 2021 Declaration of Nicholas Green, and upon all the papers and proceedings previously had herein, Defendants will move this Court at the United States Courthouse for the Southern District of New York, 500 Pearl Street, New York, New York 10007, before the Honorable John P. Cronan, on a date and time to be decided by the Court, pursuant to Rule 12(b) of the Federal Rules of Civil Procedure to dismiss the Fourth Amended Complaint on the basis that Plaintiff's rehabilitation act claim is barred by collateral estoppel, and that Plaintiff otherwise fails to state a claim upon which relief can be granted.

**PLEASE TAKE FURTHER NOTICE** that Plaintiff shall serve and file any opposing affidavits and answering memoranda of law on or before November 29, 2021 and Defendant shall serve and file any reply affidavits and memoranda of law on or before December 13, 2021.

Date: New York, New York  
October 28, 2021

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***GEORGIA M. PESTANA***

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*Of Counsel: Nicholas Green  
Tel: (212) 356-2445  
Matter No.: 2020-026533*

*Due and timely service is hereby admitted.*

*New York, N.Y. ...., 2021*

*..... Esq.*

*Attorney for .....*